

Report Date: January 20, 2022

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jan 20, 2022**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Shawnee Birdtail Case Number: 0980 2:19CR00008-SAB-3
Address of Offender: Spokane, Washington 99205
Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge
Date of Original Sentence: February 26, 2021
Original Offense: Harboring a Fugitive from Justice, 18 U.S.C. § 1071
Original Sentence: Prison - 304 days Type of Supervision: Supervised Release
TSR - 36 months
Asst. U.S. Attorney: Patrick J. Cashman Date Supervision Commenced: March 10, 2021
Defense Attorney: Payton B. Martinez Date Supervision Expires: March 9, 2024

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Shawnee Birdtail violated the terms of her supervised release by failing to appear for random drug testing at Pioneer Human Services (PHS) on or about December 23, 2021, and January 5, 2022.

On March 10, 2021, supervision commenced in this matter. Ms. Birdtail entered inpatient treatment at Pioneer Center East (PCE) that same day. On March 11, 2021, a supervision intake was completed by telephone. All intake documents were emailed to her counselor at PCE. Ms. Birdtail's judgment was read to her over the telephone. She signed the documents in the presence of her counselor, indicating an acknowledgment of the conditions imposed by the Court, to include special condition number 4, noted above.

Ms. Birdtail is enrolled in phase drug testing at PHS. She is expected to call the drug testing line daily to determine if her color, brown, is called. She is expected to appear for testing on the days her color is called.

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Ms. Birdtail failed to appear for random drug testing on December 23, 2021, and January 5, 2022.

- 2 **Special Condition #3:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: It is alleged that Shawnee Birdtail violated the terms of her supervised release by failing to attend substance abuse treatment group session, on or about January 10, 2022.

On March 10, 2021, supervision commenced in this matter. Ms. Birdtail entered inpatient treatment at Pioneer Center East (PCE) that same day. On March 11, 2021, a supervision intake was completed by telephone. All intake documents were emailed to her counselor at PCE. Ms. Birdtail's judgment was read to her over the telephone. She signed the documents in the presence of her counselor, indicating an acknowledgment of the conditions imposed by the Court, to include special condition number 3, noted above.

Ms. Birdtail is engaged in outpatient substance abuse treatment services with Pioneer Human Services (PHS).

PHS advised the undersigned that Ms. Birdtail failed to attend a group session on January 10, 2022. These group sessions are currently held virtually. Ms. Birdtail later indicated she was logged into the group, but had fallen asleep during the session.

- 3 **Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: It is alleged that Shawnee Birdtail violated the terms of her supervised release by failing to report as directed, on or about January 14, 2022.

On March 10, 2021, supervision commenced in this matter. Ms. Birdtail entered inpatient treatment at Pioneer Center East (PCE) that same day. On March 11, 2021, a supervision intake was completed by telephone. All intake documents were emailed to her counselor at PCE. Ms. Birdtail's judgment was read to her over the telephone. She signed the documents in the presence of her counselor, indicating an acknowledgment of the conditions imposed by the Court, to include standard condition number 2, noted above.

On January 11, 2022, during a home contact, Ms. Birdtail was directed to report to the United States Probation Office on January 14, 2022. On January 14, 2022, she failed to report as directed and later indicated it had "slipped her mind".

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- 4 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Shawnee Birdtail violated the terms of her supervised release by consuming a controlled substance, Fentanyl, on or about January 8, 2022.

On March 10, 2021, supervision commenced in this matter. Ms. Birdtail entered inpatient treatment at Pioneer Center East (PCE) that same day. On March 11, 2021, a supervision intake was completed by telephone. All intake documents were emailed to her counselor at PCE. Ms. Birdtail's judgment was read to her over the telephone. She signed the documents in the presence of her counselor, indicating an acknowledgment of the conditions imposed by the Court, to include special condition number 4, noted above.

On January 11, 2022, during a home visit, Ms. Birdtail admitted to consuming Fentanyl on or about January 8, 2022. Ms. Birdtail further reported that she had overdosed and an associate had to administer Narcan to revive her.

- 5 **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Shawnee Birdtail violated the terms of her supervised release by consuming a controlled substance, Fentanyl, on or about January 15, 2022.

On March 10, 2021, supervision commenced in this matter. Ms. Birdtail entered inpatient treatment at Pioneer Center East (PCE) that same day. On March 11, 2021, a supervision intake was completed by telephone. All intake documents were emailed to her counselor at PCE. Ms. Birdtail's judgment was read to her over the telephone. She signed the documents in the presence of her counselor, indicating an acknowledgment of the conditions imposed by the Court, to include special condition number 4, noted above.

On January 19, 2022, Ms. Birdtail reported to the United States Probation Office. She submitted to a urinalysis which tested presumptive positive for Fentanyl. She then admitted to consuming Fentanyl on January 15, 2022.

In addition, the urine sample also tested presumptive positive for methamphetamine and amphetamine. Ms. Birdtail denied use of these substances and the urine sample was sent to the lab for additional testing; results remain pending.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegation(s) contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/20/2022

s/Melissa Hanson

Melissa Hanson
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

1/20/2022

Date